

REMARKS

This amendment is submitted to the Examiner during appeal for consideration for amendment to claim 25.

After entry of this amendment, the pending claims are: claims 1, 3-6, 13, 15-18, 25, 27-30, and 37-48 (27 claims, 3 of which are independent claims).

In the present amendment, claim 25 is revised to state that the query encoder and index searcher are stored in the memory of one or more servers. Support is found in at least Figure 11 and the corresponding text. Claim 25 as amended is directed to statutory subject matter for at least the reasons discussed below.

Claim 25 is not directed to descriptive material. MPEP 2106.01(I) states that there are two ways in which functional descriptive material can be classified as nonstatutory subject matter: (1) when the claim is directed to a data structure not embodied in computer-readable media, and (2) when the claim is directed to a computer program listing. Claim 25 is not directed to data structures. Instead, claim 25 is clearly directed to one or more servers (each having one or more processors and memory) that include a query encoder and an index searcher, both of which are functional units that perform the claimed operations of the search engine. Since the claimed elements include memory (which is a computer-readable media), claim 25 is not directed "to a data structure not embodied in computer-readable media." Furthermore, claim 25 is not directed to a computer program listing. Again, claim 25 is directed to functional units in one or more servers which can perform the claimed operations of the search engine, and are not directed to computer program listings.

Therefore, claim 25 and its dependents are directed to statutory subject matter.

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at (650) 843-4000, if a telephone call could help resolve any remaining items.

Respectfully submitted,

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